

REMARKS

Reconsideration is requested.

Claims 1-10 have been canceled, without prejudice.

Claims 11-13 have been added. No new matter has been added.

The Examiner is again requested to consider EP 0 150 760. The applicants note that the reference was cited in an International Search Report dated 18/10/2001, which included an indication of the relevance to the document, and which was submitted with the Information Disclosure filed November 23, 2001. This concise explanation of the relevance of the cited document should be sufficient for consideration of the document, as provided for in MPEP §609. Beyond the Search Report, the applicants submitted, for completeness, an English translation of the previously cited EP 0 150 760 with a Supplemental Submission on February 25, 2002. A copy of the Supplemental Submission and the undersigned's Post Card receipt from the same is attached for the Examiner's information. Return of an initialed copy of the previously filed PTO-1449 Form, listing EP 0 150 760 and an indication of the Examiner has considered the same, or return of a PTO-892 Form listing the document, is requested for completeness of the record. The Examiner is requested to contact the undersigned if anything further is required in this regard.

A further Information Disclosure Statement is attached with a copy of each of the references cited in an International Search Report dated 26/09/2003 issued with regard to PCT/GB02/03433. A copy of the Search Report is attached. Return of an initialed copy of the attached PTO-1449 Form, which lists the attached four documents, pursuant to MPEP §609, is requested.

The specification has been amended to include Formal Drawings.

The applicants note that the Examiner has indicated that a proposed drawing correction or corrected drawings may be supplied. The attached formal drawings are submitted as corrected drawings. The applicants have not submitted herewith however a marked-up copy of the changes made to the drawings however the undersigned would be happy to do so upon the Examiner's further requirement for the same. The Examiner is requested to advise the undersigned, preferably by telephone, if anything further is required in this regard in which case the undersigned would propose to file any further requirements by facsimile to expedite prosecution.

The objection to the drawings noted in paragraph 4 on page 3 of the Office Action dated June 11, 2003 (Paper No. 12), is obviated by the above and attached. Specifically, the specification has been amended to include a reference in the brief description of the drawings of where elements of the figures noted by the Examiner are further described in the specification. Withdrawal of the objections to the drawings noted in paragraph 4 on page 3 of Paper No. 12 is requested.

The objections to claims 1 and 5 noted in paragraphs 5-6 of Paper No.12 are moot in view of the above. The Examiner's concerns have been taken into account when drafting the new claims.

The Section 112, second paragraph, rejection of claim 5 noted in paragraph 8 of Paper No. 12 is moot in view of the above. The previous reference to Figure 1 has not been repeated in the pending claims.

DAVIS et al.
Appl. No. 09/897,412
October 14, 2003

The Section 102 rejection of claims 1 and 3 over Windstetter (European Journal of Medical Research 2(10): 431-436 (1997)), is moot in view of the above. The claims are submitted to be patentable over Windstetter.

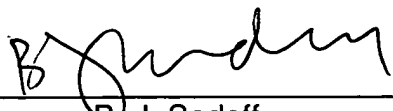
The Examiner's comments regarding product by process are not understood as the presently claimed invention is directed to a method of treatment as opposed a method of making (i.e., product by process) as discussed by the Examiner in the middle paragraph on page 5 of Paper No. 12.

The Section 102 rejections of claims 1, 3 and 7 over Boucher (U.S. Patent application publication 2002/0099023 A1) is moot in view of the above. The claims are submitted to be patentable over Boucher as even if Boucher did teach treatment of cystic fibrosis for the hormone, the reference fails to teach or suggest the presently claimed invention.

The claims are submitted to be patentable and the application is submitted to be in condition for allowance, for the reasons noted above. A Notice of Allowance is requested along with the indicated initialed PTO-1449 Forms as noted above.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
B. J. Sadoff
Reg. No. 36,663

BJS:plb
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100



COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

DAVIS et al.

Atty. Ref.: **620-148**

Serial No. **09/897,412**

Group: **1743**

Filed: **July 3, 2001**

Examiner:

For: **USE OF SECRETIN-RECEPTOR LIGANDS IN
TREATMENT OF CYSTIC FIBROSIS (CF) AND CHRONIC
OBSTRUCTIVE PULMONARY DISEASE (COPD)**

* * * * *

February 25, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

SUPPLEMENTAL SUBMISSION

Supplemental to the Information Disclosure Statement, attached is an English translation of the previously cited EP 0150760, which was also listed on the previously supplied Search Report.

Consideration of the previously submitted references and the attached and return of an initialed copy of the PTO 1449 Form filed November 23, 2001, pursuant to MPEP § 609, are requested.

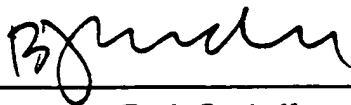
An early and favorable Action on the merits is requested.

COPY

DAVIS et al.
Serial No. 09/897,412

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
B. J. Sadoff
Reg. No. 36,663

1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100



COPY

Serial No.: 09/897412
Applicant: Davis et al
Title:

Atty: BJS
Date: 2/25/02
Client: _____
Ref: 620-148

Use of Secretin-Receptor...

- _____ Amendment
- _____ Pages Specification
- _____ Claims
- _____ Sheets Drawings: Formal _____
Informal _____
- _____ Declaration (_____ Pages)
- _____ Assignment
- _____ Priority Document
- _____ Base Issue Fee Transmittal
- _____ Fee (Check)



Other: 2 cover sheets w/ change authorization,
English translation of EP 150760;
Suppl Submission